

PLANNING COMMISSION REPORT



MEETING DATE: April 14, 2004

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Dirty Dogg Bar Use Permit - 4-UP-2004

REQUEST

Request to approve a conditional use permit for a bar in an existing building located at 10409 N Scottsdale Road with Highway Commercial District (C-3) zoning.

Key Items for Consideration:

- Located within a commercial center that already contains restaurants and bars, as well as other commercial uses.
- Adequate parking is available for this use.
- Residential uses are not in close proximity to this site, the closest residence is approximately 1,000 feet from the site.

OWNER

MAGs Ham Bun, Inc
602-717-3342

APPLICANT CONTACT

Richard Woerth
Fire House Management
602-432-3356

LOCATION

10409 N Scottsdale Rd

BACKGROUND

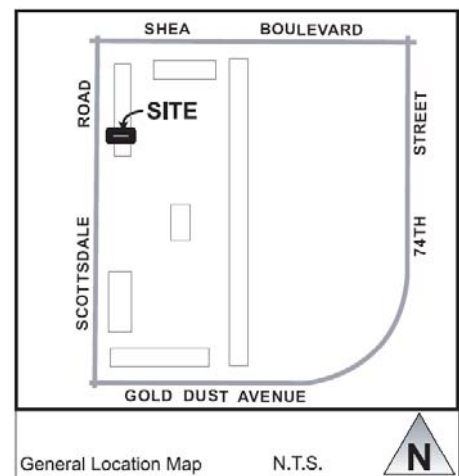
Site Use History.

In 1967 this property was built for the Mag's Ham Bun restaurant/bar and operated with the same name until 2001. In 2001, it changed to the El Camino Café restaurant, which closed in September 2003.

In June, 2003 the Dirty Dogg applied for a restaurant liquor license (Series 12) then withdrew that application and submitted for a bar liquor license (Series 6). The Series 6 license was heard and denied by City Council on November 4, 2003 based on license criteria, not land use criteria. The applicant has now sold the business to a new owner and that owner is requesting a Bar use permit under the same business name as the previous applicant.

Zoning.

The site is zoned C-3 (Highway Commercial District), which allows bars with a conditional use permit. This zoning district also allows a variety of retail/commercial uses.



Context.

This site is located within the Windmill Plaza subdivision, which is located on the southeast corner of Scottsdale Road and Shea Boulevard. The surrounding property is zoned C-3 (Highway Commercial District) and P-2 (Passenger Automobile Parking).

The distance to the nearest school, Chaparral High School, is 1,650 feet west. The nearest worship facilities include the Chabad of Scottsdale which is in the Windmill Plaza, approximately 800 feet south of the proposed bar site; and the Scottsdale Bible Church which is 2,600 feet from the proposed bar site east on Shea Boulevard.

**APPLICANT'S
PROPOSAL****Goal/Purpose of Request.**

The applicant is proposing to open a bar within an existing building. No modifications or additions are proposed to the building. The bar would consist of approximately 2000 square feet of useable area. The bar hours would be from 11 a.m. to 1 a.m. Mondays through Sundays.

CD music will be provided through speakers throughout the inside of the building. The applicant is not proposing live entertainment. Special Events might be considered and those will need to be approved through the Special Events permit process.

Security will be provided from 9:00 p.m. until closing, by uniformed staff.

IMPACT ANALYSIS**Transportation.***Traffic.*

The site is located within a commercial center that at the intersection of two major arterials, Scottsdale Road and Shea Boulevard. The traffic generated by this use will be primarily generated during off-peak hours for the adjacent street system. Because the majority of traffic is generated during periods when the adjacent streets have less traffic, the surrounding street system has adequate capacity to handle the traffic generated by the proposed use.

The commercial center has three driveways on Scottsdale Road and two driveways on Shea Boulevard. The easternmost driveway on Shea Boulevard is signalized, providing a controlled means to enter and exit the site.

Parking.

The parking for this use will be provided within the parking lot located east of the site. That parking lot is shared with the remainder of the Windmill Plaza center, and parking is not assigned to any one user. Therefore, the availability of parking spaces to this site and other sites within the Windmill Plaza is dependent upon the hours of operation and related demand of the users. The restaurant and bar uses located within the Windmill Plaza are distributed throughout with some concentration at the north. Because the Buzz bar is located in the middle of the Plaza and its entrance faces north, a greater demand for parking occurs on the north half of the Plaza. The Dirty Dogg bar parking will likely be influenced by this situation. However, the parking analysis demonstrates that there are an adequate number of parking spaces available in the Plaza for all of its uses. (See Attachment # 7 Parking Study.)

Staff has evaluated the uses in the Windmill Plaza and confirmed the mixture of retail, office, restaurant and bar uses will create a peak demand for 653 parking spaces. A total of 1,121 spaces are available. Parking is in compliance with the zoning ordinance.

Police/Fire.

The police and fire department do not object to this application. The police department has reviewed and approved the Security and Maintenance Plan.

Land Use.

This site is located in close proximity to a major intersection of Shea Boulevard and Scottsdale Road. These streets are major arterials that support high levels of traffic and greater intensity and variety of uses at their intersection.

Use Permit Criteria.

Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - *This use does not generate smoke, odor, or dust. No additional outdoor lighting is proposed. Noise will be contained within the building. Any vibration that might occur would be from speakers located within the building; the application does not reveal any concerns regarding vibration.*
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - *This bar will encompass approximately 2000 square feet of an existing building, and constitutes a small area with a maximum of 100 patrons.*
 3. There are no other factors associated with this project that will be materially detrimental to the public.
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - *The general character of the area is commercial, with residential being more than 1000 feet and the nearest worship facility 800 feet from this proposed bar site. The Windmill Plaza is comprised of commercial retail, office, bar, restaurant, and similar uses.*
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.

Additional conditions for bars:

1. The use shall not disrupt existing balance of daytime and nighttime uses.
 - *This use is proposed for a previous bar/restaurant site, therefore the*

pattern of use will not be altered.

2. The use shall not disrupt pedestrian-oriented daytime activities.
 - ***This use is proposed to operate during the daytime hours and none of the operations encroach into pedestrian walkways or pedestrian areas.***
3. If the site is located within the downtown overlay district then:
 - a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.
 - b. The required parking for the use shall be within 600 feet of the property and shall not be separated from the property by a major or minor arterial street.
 - ***This site is not located in the downtown overlay district.***
4. If the use is located within 500 feet of a residential use or district then:
 - a. The use shall not adversely impact residential uses.
 - b. The use shall provide methods of buffering residential uses.
 - ***This site is approximately 1000 feet from residential uses and districts.***
5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
 - ***The applicant has submitted a management and security plan that has been approved and will be maintained and enforced.***
6. The applicant shall provide, with the application for a conditional use permit, a written exterior refuse control plan which must be approved by the planning and development department staff as complying with the written guidelines of the department.
 - ***The exterior refuse control plan has been reviewed and approved.***
7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
 - ***The noise for this use will be contained within the building; there are doors at the patios. No new lighting fixtures are proposed.***
8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
 - ***The amount of parking provided meets the requirements of the Zoning Ordinance.***

Community Involvement.

The applicant sent notices to surrounding property owners within 750 feet of this site. Staff has received one phone call from a party interested in the proposal but not objecting to the proposed bar use. In addition one letter of concern has been received, stating objections due to litter, trash and noise.

Community Impact.

Approval of this Conditional Use Permit would result in one additional bar in this part of Scottsdale. The impact is tempered by the fact that this property previously was a restaurant/bar.

**STAFF
RECOMMENDATION**

Recommended Approach:
Staff recommends approval, subject to the attached stipulations.

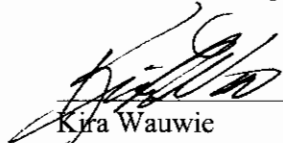
**RESPONSIBLE
DEPT(S)**

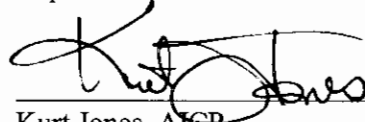
Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

Kira Wauwie
Project Coordination Manager
480-312-7061
E-mail: kwauwie@ScottsdaleAZ.gov

APPROVED BY


Kira Wauwie
Report Author


Kurt Jones, AICP
Current Planning Director

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Parking Study
7. Citizen Involvement
8. Correspondence
9. City Notification Map
10. Site Plan

Attachment A
DIRTY DOGG SALOON
PROJECT NARRATIVE

Location and History:

**10409 N. Scottsdale Rd.
Scottsdale, AZ 85253**

This location has been a bar/restaurant since originally built in 1967 as Mag's Ham Bun. The Cronk family has owned and does still own the property under Mag's Ham Bun, Inc. The Cronks operated Mag's Ham Bun with a Series #6 liquor license from 1985 until they leased the property to Sam Bruce, L.L.C, in 2002. Sam Bruce, L.L.C, changed the license from a Series #6 to a Series #12 and operated as such until June 2003. A new operator purchased the business and renamed the establishment to the Dirty Dogg Saloon, and operated on an interim permit until September 11, 2003. The current applicant is asking for a use permit to operate a series #6 liquor license. There are no plans to modify the current building. Since the location has operated as bar for over 30 years there should be no significant impacts on the area parking or otherwise. The total gross square footage is 2600 square feet of which 2220 square feet is available for retail use. The building is not being altered in any way. The location will operate as a bar/restaurant with hours of operation Monday – Sunday from 11:00am to 1:00am.

Entertainment

The entertainment provided will be classic rock music usually provided by a preprogrammed CD player/computer. From time to time the applicant will wish to utilize special events and or temporary extension of premises permits. The applicant understands that for extensions or outdoor special events separate and special event applications must be submitted and approved by the City of Scottsdale.

Music amplification is provided by 6 Mach M-821 speakers, 2 Outdoor patio speakers, and 3 QSC PLX amplifiers. There are also 7 televisions for patron viewing.

Security

Door staff personal will be on duty nightly from 9:00pm to closing. Security will be identified by uniforms designating them as members of the Staff. All members of staff are required to under go Liquor control training with Arizona Liquor Industry Consultants before being allowed to work. This training educates staff and members of management on the liquor laws of the State of Arizona and will enable them to make better informed decisions when serving patrons alcohol. The amount of Security will be decided on an as needed basis as volume dictates. Staff will require Identification verifying age to be over 21 years of age before allowing access to establishment. Staff will be required to monitor parking area during business hours and one hour after closing.

Lighting

There are no plans of changing the current lighting that exists. The establishment currently has eight exterior lights on the West Side of the building facing Scottsdale Rd. and seven exterior lights on the East Side facing the parking lot. The parking lot provides additional lighting and is maintained by the Paradise Valley Property Owners Association.

Please see the following Attachments:

Signage 2 East Elevation

Signage 3 South West Elevation

Signage

The current signage on the building will be utilized.

Please see the following Attachments:

Signage Attachments 1-5

Traffic related information

There are no proposed changes for current traffic ingress or egress into the parking lot.

Please see attached for projected Trip Generation Comparison Attachment D.

Noise Impact

There is no residential within 1000 ft. of the premises so there should be no adverse noise effect on the neighboring area. The doors of the establishment will remain in a closed position except when allowing patrons to enter and exit. The west side of establishment faces Scottsdale Road. The high volume of traffic created by Scottsdale and Shea Blvd. should not be negatively effected by the establishment. There should be no significant noise impact from the establishment.

Neighborhood Involvement

A letter has been sent to property owners within a minimum of 750 feet of the applicant location, letters have also been sent to Scottsdale School District and The Paradise Valley Plaza Property Owners Association.

Please see the following Attachments:

Attachment F

Attachment G

Attachments H 1-4

Please recognize that a nearby neighbor does stay open for after hours and that this creates an additional impact after our patrons have left the area.

Postings of "No Entrance Under 21" and "No weapons allowed in accordance with A.R.S. 13-3102", will be posted at the entrances of establishment.

Management

There will be a designated Manager on duty during hours of operation. All managers are required to complete certification in the Management course for Liquor control training with Arizona Liquor Industry Consultants. Members of Management have had previous experience in the industry.

Refuse

Staff will be required to police the parking lot and adjacent areas to the establishment before, during, and after closing, to pick up trash and debris left in the area by patrons. Management will work with neighbors to ensure that the establishment is not causing any undo burden to their businesses. The facility is equipped with its own dumpster for trash removal. The current trash pickup schedule is 3 times per week in the A.M. If this becomes insufficient Management will request that additional pickup times be made. The dumpster is located within 40 feet of the establishment. The parking lot is maintained by the Paradise Valley Property Owners Association and is swept on a weekly basis.

Please see the following attachments for refuse disposal location:

- Attachment C Site Plan 1
- East View 12
- Refuse Containment 16

Parking

Please see attached parking analysis Attachment C completed in July 2002.

Applicants allotted parking is 35 spaces, which is what is required for the available retail square footage.

At peak times there will be up to 9 staff members that will require parking and up to approximately 100 patrons.

Please see additional attachments for parking:

- Attachment C Site Plan 1
- East Elevation 1
- Rear South East View 10
- East View 11
- East View 12
- Rear North View 13



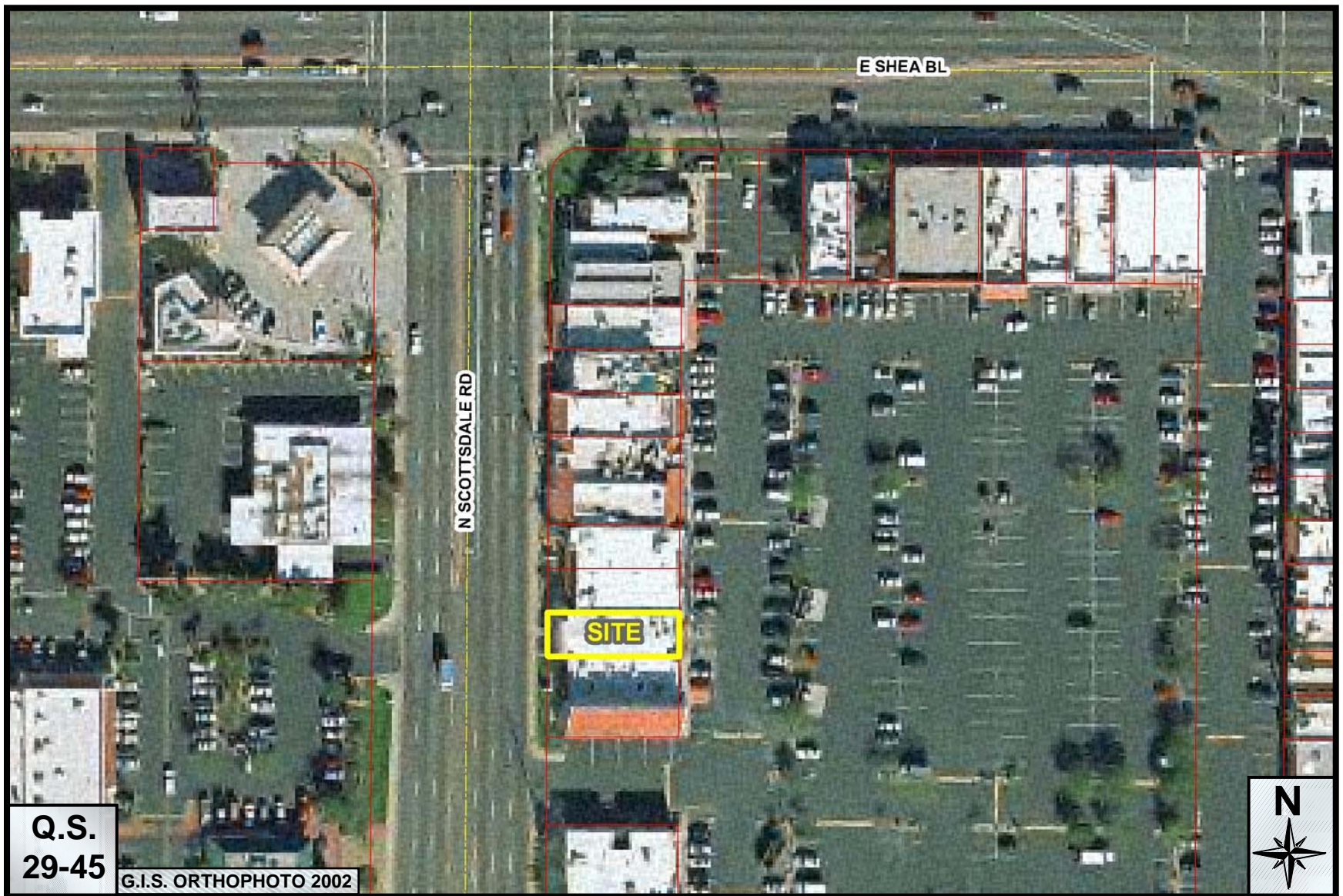
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G.I.S. ORTHOPHOTO 2002

Dirty Dogg

4-UP-2004

ATTACHMENT #2



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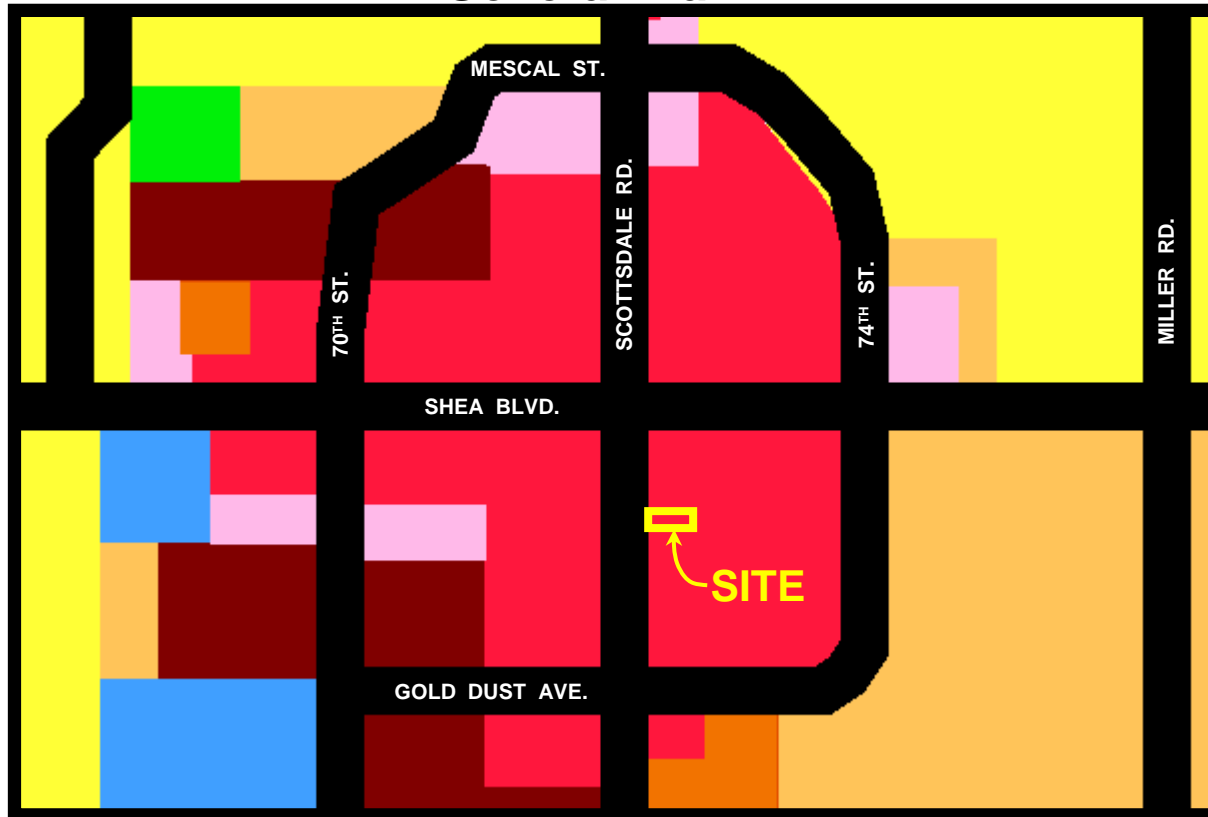
G.I.S. ORTHOPHOTO 2002

Dirty Dogg

4-UP-2004

ATTACHMENT #2A

General Plan



4-UP-2004
ATTACHMENT #3

Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of April 2, 2002



4-UP-2004

ATTACHMENT #4

STIPULATIONS FOR CASE 4-UP-2004

PLANNING/ DEVELOPMENT

1. OPERATIONS. All operations on site shall comply with the following:
 - a. No live entertainment is approved with this use permit. Any live entertainment proposed at the establishment shall apply for a Live Entertainment use permit.
 - b. All amplified music shall be not heard or have measurable noise emitted past the property line. All external doors shall remain closed, but not locked during operating hours.
 - c. No external speakers shall be permitted.
 - d. All external doors shall remain closed, but not locked during operating hours.
 - e. There shall be no amplified music between the hours of 1:00 a.m. and 8:00 a.m.
 - f. Maintenance and Security Plan.
 - (1) The bar operator(s) / merchant(s) shall maintain a Public Security and Maintenance Plan approved by the Scottsdale Police Department on record with the City of Scottsdale and shall keep a copy on site.
 - (2) Each year, prior to the anniversary of this use permit approval, the bar owner shall provide an update of the Maintenance and Security Plan to the Police Department and the Planning and Development Services Department. Such update shall state that the Plan continues in effect as originally approved, or the update shall conform to #3 below.
 - (3) At any time that there are any changes that modify the requirements or contents of the Public Security and Maintenance Plan, those changes shall be documented in a revised Public Security and Maintenance Plan which shall be approved by the Police Department, in conjunction with a Staff Approval by the Planning and Development Services Department.
 - g. Refuse and Litter Control.
 - (1) The bar operator(s) / merchant(s) shall maintain a refuse and litter control plan approved by the City of Scottsdale's Planning and Development Services Department and applicable departments on record with City of Scottsdale and keep a copy on site.
 - (2) All operations of the bar shall conform to the refuse control plan contained within in the project narrative submitted by Fire House Management, L.L. C. and staff receipt dated 2/25/2004.
 - (3) The bar operator(s) / merchant(s) shall assure that litter and debris is removed property and properly disposed of daily.

Windmill Plaza

Parking Analysis

April 7, 2004

Background.

Ollson Associates prepared a parking analysis for the Windmill Plaza commercial center on July 23, 2003. This analysis examined the uses existing at that time, and applied a shared parking program for the Windmill Plaza. That analysis was evaluated and accepted by the City of Scottsdale.

Analysis.

After July 23, 2003, several uses changed in the shopping center:

New Tenants	What was there before?
Dirty Dogg (this application)	El Camino
Tlaquepaque	Fabrics Now
Razz	Vacant
Ed Marshall Jeweler (expansion)	Oriental Rugs
Kosher Market	Vacant
Whole sale	Vacant
Alice	Fabric Works
Wellness Center	Realty One
Chuckbox	Oregano's

In addition to these new uses, existing tenants expanded into vacant adjacent spaces. Also, staff reconfirmed and updated floor area data for the shopping center.

The parking calculations and the current, April 7, 2004, uses and data for this center result in the following parking requirements:

Required parking = 1/250 s.f. gfa	652.6	Parking spaces required.
Provided parking = 1,121 spaces	1,121.0	Parking spaces provided.

Dirty Dogg Bar Use Permit 4-UP-2004

Attachment #7. Citizen Involvement

The above attachment is on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.

March 4, 2004



City of Scottsdale Development & Review Board, and Liquor Board

Dear Members;

It has come to my attention that Firehouse Management LLC is attempting to open a Biker bar at 10409 N. Scottsdale Rd.

I own the property next door to the proposed bar. My wife and I operated a business next door to Mag's Ham Bun for 25 years, Calico Corners. We found Mag's to be a good, quiet and well-managed neighborhood restaurant. A good neighbor.

This Dirty Dogg Saloon will be just the opposite. They admit that they want to operate a Rock bar that will be focused toward Bikers. They call it "Biker Friendly".

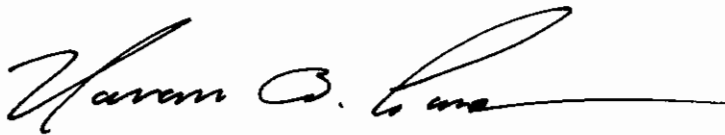
I and my tenant dread the opening this bar, as we know there will be destruction to our property and bottles and trash around each morning as the customers hang out in the parking lot to show off their bikes. Not to mention the noise of showing off loud mufflers and drag racing.

Pool tables and rock music will not draw the up scale clientele that this corner is now beginning to attract with first class jewelry stores at each end of the complex.

We would like to go on record of opposing the granting of this license to the Dirty Dogg Saloon.

Thank You,

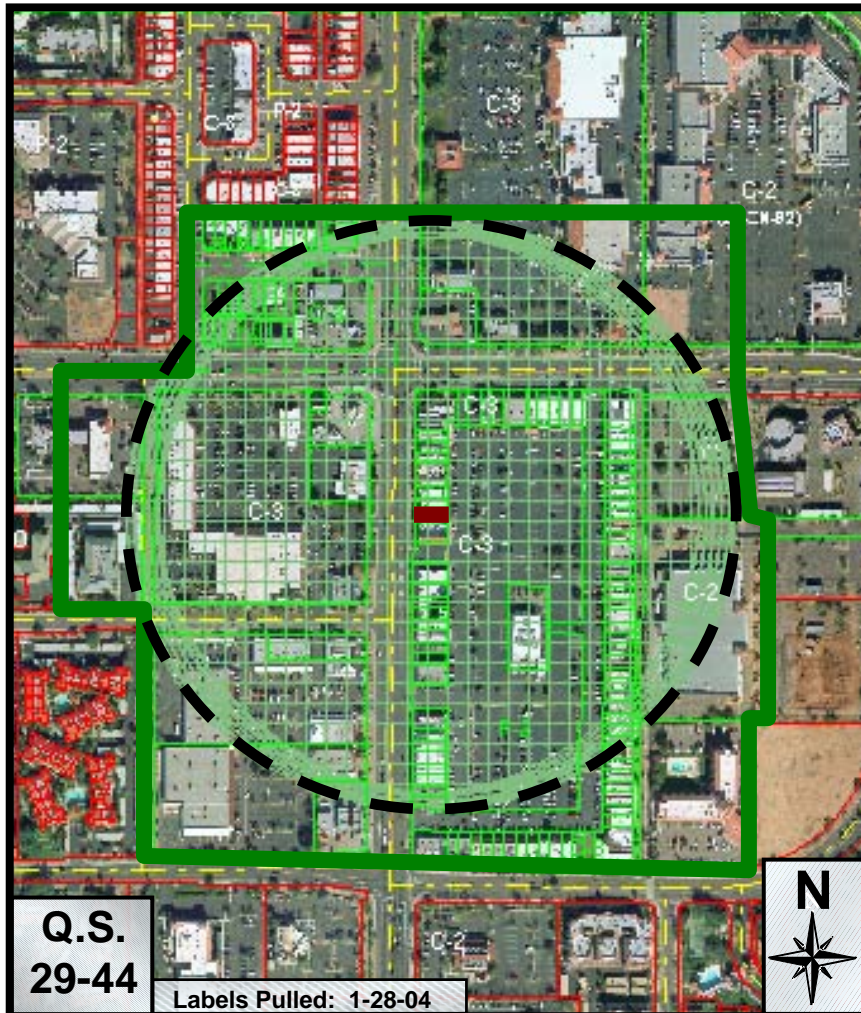
Norman B. Crane Owner: 10401 N. Scottsdale Rd.

A handwritten signature in cursive script, appearing to read "Norman B. Crane".




Norman B. Crane
4402 E. Mockingbird
Scottsdale, AZ 85253

602 377 3200

City Notifications – Mailing List Selection Map



Map Legend:

-  Site Location
-  Properties within 750-feet
-  Extended Selection
(Additional properties notified)

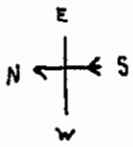
Additional Notifications:

- Interested Parties List

Dirty Dogg Saloon

Case #4-UP-2004

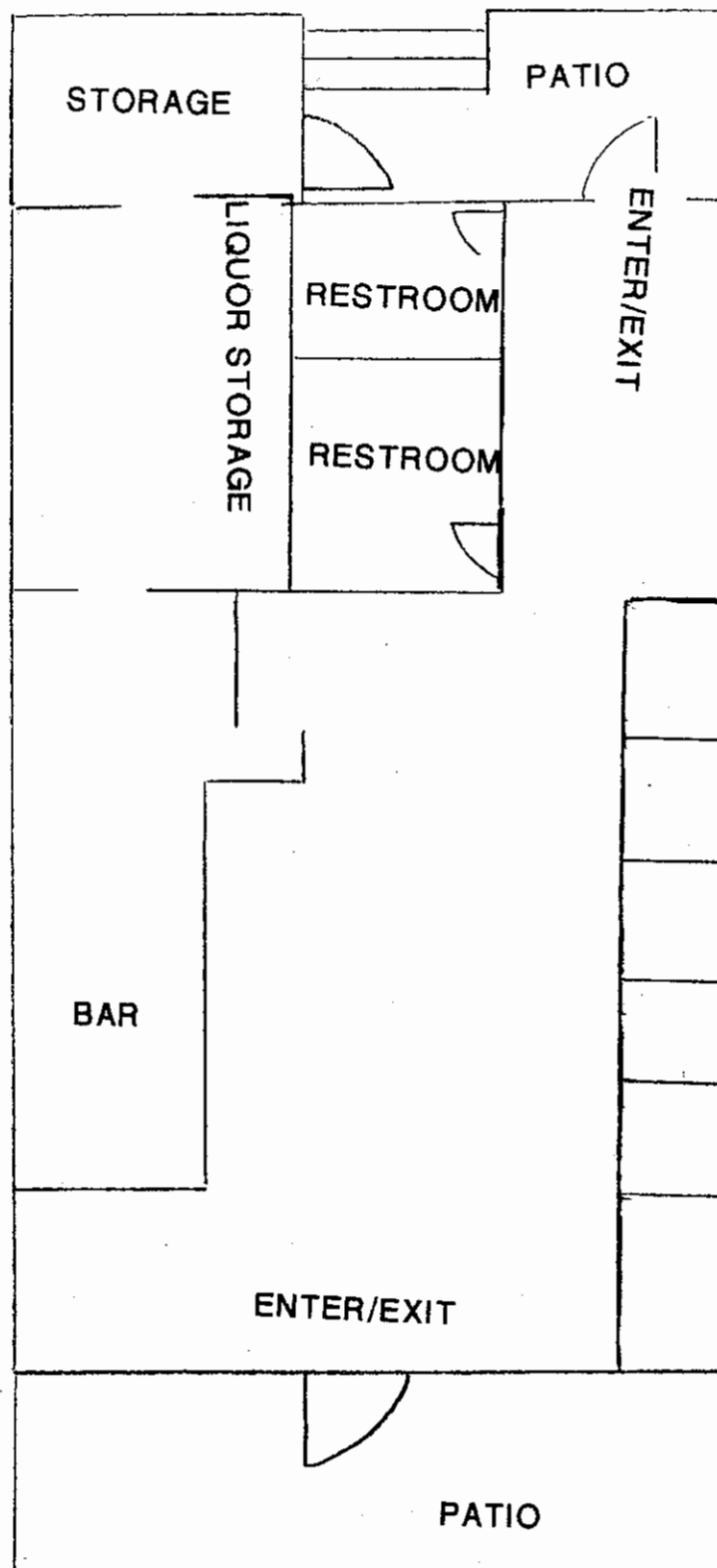
ATTACHMENT #9



PARKING LOT

SITE PLAN 2

LANDIS CYCLES



FURNITURE STORE

SCOTTSDALE ROAD

ATTACHMENT #10

4-UP-2004
2-25-04